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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,791	10/30/2003	Joseph Schlegelmann	46107-0087	8130

7590 08/04/2005

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EXAMINER
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BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/696,791

Applicant(s)

SCHLEGELMANN ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-26 is/are pending in the application.
- 4a) Of the above claim(s) 8-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on various is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet

Continuation of Attachment(s) 6). Other: Sheet 1 of 3 of the IDS dtd 10/30/03.

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Election/Restrictions*

2. Claims 8-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 17, 2005.

*Drawings*

3. The drawings are objected to because:
  - a. In Fig. 3A there are two reference numerals 40 and both appear to indicate the annular groove 48.
  - b. Fig. 13 fails to include reference numeral 12 as described at paragraphs 0033 & 0034.
  - c. None of the drawings shows a universal joint comprising all the limitations of claim 1. Fig. 13 is the only drawing that attempts to show such a joint but it does not show a bearing cup, a spacer, a retention member and a plurality of stake grooves. It includes reference numeral 92, 94 & 170 which are supposed to indicate a retention member, a spacer and a bearing cup, but the only thing they indicate is empty space.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

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sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 112*

5. Claims 6 & 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites the limitations "an inboard wall" and "an outboard wall". It is not clear if these walls are the same as, or different from the inboard and outboard walls recited in claim 1.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 & 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girquis, US 3,881,324. Figs. 1 & 2 show a universal joint comprising: a yoke (see col. 3, line 32) including a leg 6 having an inboard surface and an outboard surface with an aperture (see “bores” in col. 3, line 31) extending between the inboard and outboard surfaces, the aperture being defined by an inner surface, the inner surface including an annular groove (see “a notch” in col. 3, line 66); a bearing cup 4 positioned in the aperture; a retention member 14 disposed within the annular groove; and a spacer 13 disposed between the bearing cup and the retention member. The portion of the of the aperture’s inner surface engaged by the spacer 13 is an annular seat.

Girquis does not expressly disclose a plurality of stake grooves in the aperture below the annular groove. However, applicant has not disclosed that in the claimed invention (i.e. a joint altered so that it uses a retention member and spacer instead of stakes to position a bearing cup) such grooves solve any particular problem or are for any particular purpose. In fact, the stake grooves are nothing but useless residue that *may* or may not be present in the serviced universal joint (see paragraph 0034). Since the stake grooves serve no disclosed purpose and since a scratch, nick and/or any other microscopic imperfection in the aperture below the annular groove could constitute a “stake groove” like that in the claims, the plurality of stake grooves is deemed to be a design consideration which fails to patentably distinguish over the prior art to Girquis.

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8. Claims 1-3, 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultze, US 2003/0224862. Figs. 1-3 show a universal joint comprising: a yoke 2 including a leg 3 having an inboard surface and an outboard surface with an aperture 5 extending between the inboard and outboard surfaces, the aperture being defined by an inner surface, the inner surface including an annular groove 11; a bearing cup 8 positioned in the aperture; a retention member 17 disposed within the annular groove; and a spacer 22 disposed between the bearing cup and the retention member. Although Schultze does not expressly disclose a plurality of stake grooves in the aperture below the annular groove, the claims are deemed to be unpatentable over Schultze for the same reasons noted above.

#### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
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